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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IN RE CLEANSARK, INC. DERIVATIVE
LITIGATION,

This Document Relates to:
ALL ACTIONS.

Case No.: 2:21-cv-01004-GMN-BNW

**JOINT STIPULATION AND [proposed]
ORDER EXTENDING TIME TO
RESPOND TO COMPLAINT**

Plaintiffs Andrea Ciceri and Mark Perna (“Plaintiffs”), derivatively on behalf of Nominal Plaintiff CleanSpark, Inc. (“CleanSpark”) and Defendants Zachary K. Bradford, Lori L. Love, S. Matthew Schultz, Larry McNeill, Thomas L. Wood, Roger P. Beynon (the “Individual Defendants”), and Nominal Defendant CleanSpark (together with the Individual Defendants, “Defendants”) (collectively, with Plaintiffs, the “Parties”), by and through their undersigned counsel, hereby enter into the following stipulation and proposed order:

1 **WHEREAS**, on January 21, 2022, this Court issued an Order staying proceedings in this
2 matter (the “Stay Order”); and

3 **WHEREAS**, the Stay Order provided that the stay of proceedings in this matter would be
4 terminated upon, inter alia, denial in whole or in part of the then-anticipated motion to dismiss by
5 all defendants in the securities class action currently pending before the Hon. Loretta Preska in
6 the Southern District of New York, *Bishins v. CleanSpark, Inc. et al.*, No. 21-cv-511 (LAP) (the
7 “Securities Class Action”); and

8 **WHEREAS**, by Opinion & Order dated January 5, 2023, the court in the Securities Class
9 Action denied the defendants’ motion to dismiss, thereby terminating the stay of proceedings in
10 this matter; and

11 **WHEREAS**, the Stay Order further provided that the Parties meet and confer and submit
12 a proposed scheduling order for the Court’s approval within two weeks of the date that the stay
13 of proceedings in this matter is lifted; and

14 **WHEREAS**, on January 20, 2023, the Court entered an order, based on the Parties’
15 stipulation dated January 19, 2023, extending the deadline for the Parties to file either a proposed
16 scheduling order or a notice updating the Court as to the progress of their meet and confer
17 sessions to on or before February 2, 2023; and

18 **WHEREAS**, on February 2, 2023, the Court entered an order, based on the Parties’
19 stipulation dated February 1, 2023, extending the deadline for the Parties to file either a proposed
20 scheduling order or a notice updating the Court as to the progress of their meet and confer
21 sessions on or before February 24, 2023; and

22 **WHEREAS**, on February 24, 2023, the Court entered an order, based on the Parties’
23 stipulation dated February 24, 2023, extending the deadline for the Parties to file either a
24 proposed scheduling order or a notice updating the Court as to the progress of their meet and
25 confer sessions to on or before March 8, 2023; and

26 **WHEREAS**, the Parties have been meeting and conferring, including by phone on
27 January 13, 2023, February 24, 2023, March 6, 2023, March 29, 2023, April 10, 2023, and
28 additional discussions thereafter, concerning a proposed scheduling order with respect to

Defendants' response to the complaint; and

WHEREAS, the Parties agree to extend the deadline for Defendants to respond to the complaint until on or before April 20, 2023; and

WHEREAS, Defendants intend to move to dismiss in response to the complaint on or before April 20, 2023; and

WHEREAS, concurrently with the submission of this Stipulation and [proposed] Order Extending Time to Respond to the Complaint, the Parties are submitting a Stipulation and [proposed] Order Setting Briefing Schedule for Defendants' Motion to Dismiss.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by the Parties hereto, through their undersigned counsel, subject to the approval of the Court, as follows:

1. Defendants' deadline to respond to the Complaint is extended until on or before April 20, 2023.

2. Other than as agreed herein, the Parties reserve all rights.

DATED: April 12, 2023

DATED: April 12, 2023

WILK AUSLANDER LLP

LEVERTY & ASSOCIATES LAW CHTD

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/s/ Patrick R. Leverty

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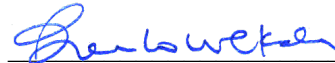
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IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: April 13, 2023